

REMARKS / ARGUMENTS

Reconsideration of the application as amended is respectfully requested.

Before entry of the present amendment, Claims 1-15 were pending. At present, Claims 3-6, 8 and 9 are considered allowable if rewritten in independent form, including all the limitations of the base claims.

As such, Claims 3-6, 8 and 9 were rewritten as separately independent claims, including the limitations of the base claims.

Furthermore, new independent Claims 16 and 17 have been added, disclosing unanticipated and non-obvious limitations over the prior art cited by the examiner. Claims 16 and 17 disclose an enclosed container having a top, a base and a central portion, the container having a selectively openable and returnably resilient aperture, a top portion (Claim 16) or a base portion (Claim 17) having a perimeter encircling a concavity of the aperture, and at least one food item. Nothing in the prior art anticipates or renders this combination of elements obvious. As such, Claims 16 and 17 are also patentably distinguishable over the prior art cited.

Claims 18-29 are multidependent claims dependent from one or more of the independent Claims 3-6, 8, 9, 16 or 17, or all of the Claims 3-6, 8, 9, 16 and 17.

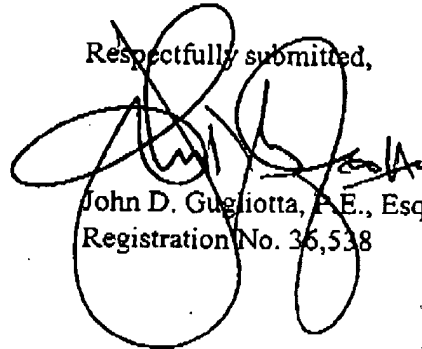
The appropriate fee accompanies this response.

Therefore, in view of foregoing amendments and clarifications, the applicant submits that allowance of the present application and all remaining claims, as amended, is in order and a formal

Utility Patent
Ser. No. 10/688,672

Notice of Allowance is respectfully requested at the earliest possible date.

Respectfully submitted,



John D. Gugliotta, A.E., Esq.
Registration No. 36,538

The Law Offices of John D. Gugliotta
202 Delaware Building
137 South Main Street
Akron, OH 44308
(330) 253-5678
Facsimile (330) 253-6658

THE LAW OFFICES
OF JOHN D. GUGLIOTTA, ESQ.
137 S. MAIN STREET, SUITE 202
AKRON, OH 44308
(330) 253-5678

PAY TO THE
ORDER OF Commissioner of Patents & Trademarks

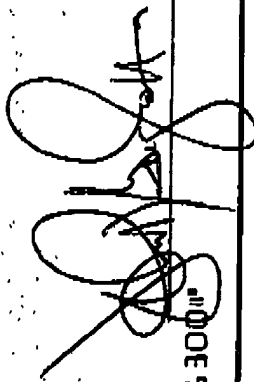
\$ 369.00

Three Hundred Sixty-Nine and 00/100*****

BOLEARS

Commissioner of Patents & Trademarks
PO Box 1450
Alexandria, VA 22313

MEMO Add. claims: 10/688,672- Tsengas 1035



1101060511 1041002711

8351630011

AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): Steven Tsengas

Docket No.

1035

Application No.

10/688,672

Filing Date

10/20/2003

Examiner

William L. Miller

Customer No.

33055

Group Art Unit

3677

Confirmation No.

Invention: Food and Treat Dispenser

COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

☒ Applicant claims small entity status. See 37 CFR 1.27**RECEIVED
CENTRAL FAX CENTER****OCT 12 2004**

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21 -	20 =	1 x	\$9.00	\$9.00
INDEP. CLAIMS	8 -	3 =	5 x	\$43.00	\$215.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$145.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$369.00

- ☐ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____.
- ☒ A check in the amount of \$369.00 to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-2380
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature
 John D. Gugliotta
 Reg. No. 36538
 137 S. Main Street, Ste. 202
 Akron, OH 44308
 330.253.5678
 Facsimile 330.253.6658

Dated: 10-12-04

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
 on 10-12-04
 (Date)

Signature of Person Mailing Correspondence
 Terry Lakos

Typed or Printed Name of Person Mailing Correspondence
 Terry Lakos

CC: